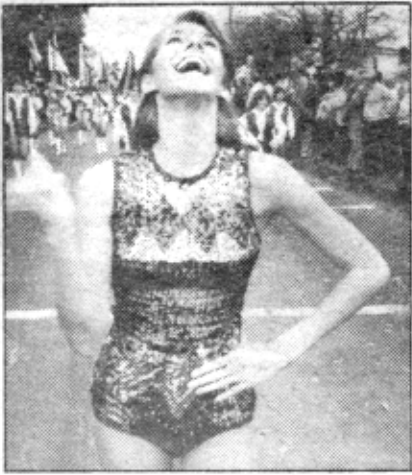




New Orleans:

The City That Care Forgot celebrates Mardi Gras this week.
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Happy Chinese New Year!

Time to cook an Oriental meal.
page 16

Cabbage Patch Duplicity?

The dolls are supposed to be one of a kind, but . . .
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Rasta Radio

Third World George reggaes in the basement.
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NEW HAVEN ADVOCATE

"Please Stop, No More, My Legs Are Numb!"

How Did Mark Shaw Die?

The *Advocate* uncovers new evidence about the death of Mark Shaw, who was mortally injured in a tragic incident involving West Haven police. Among the findings of our six-week probe:

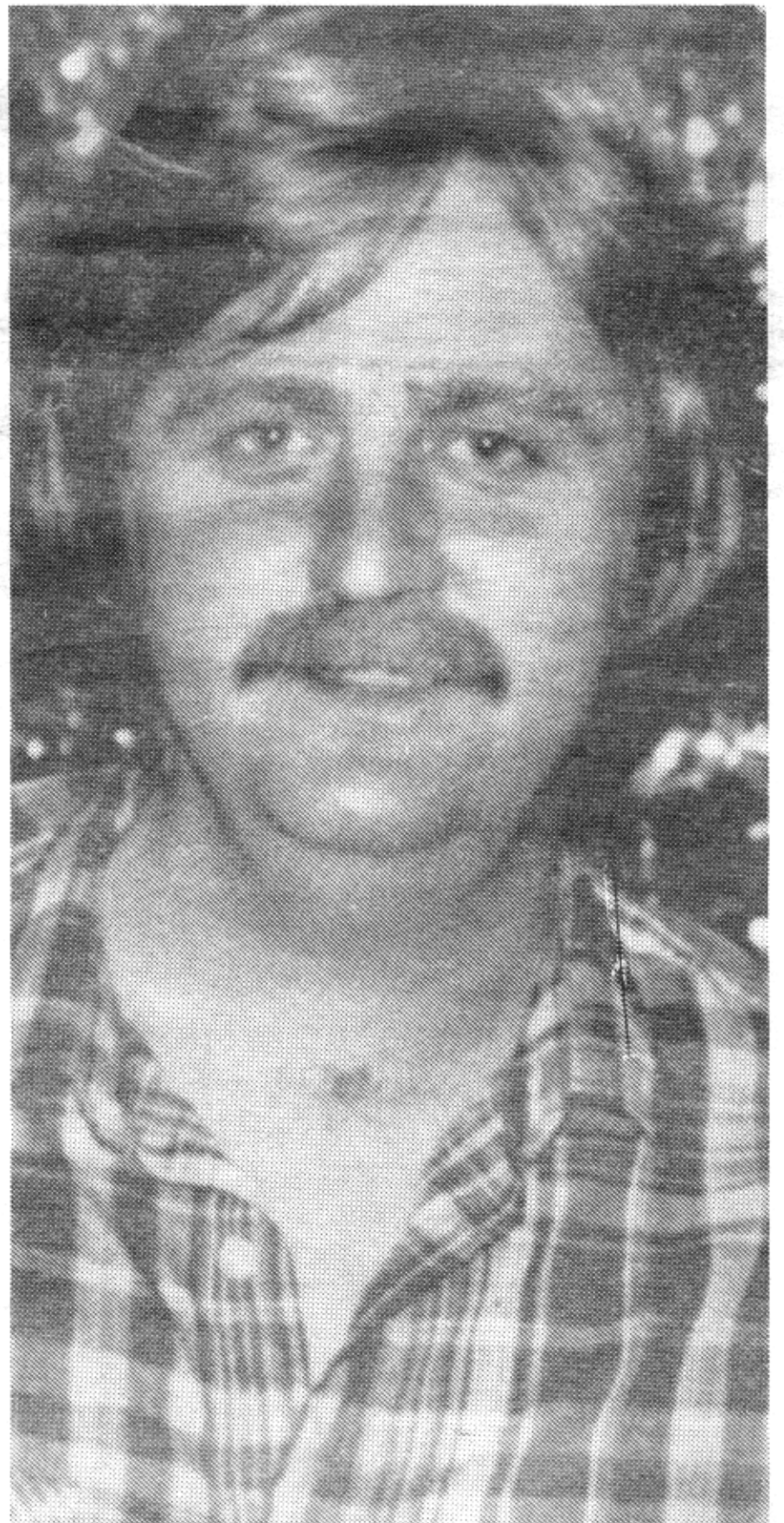
•Two bystanders who police say killed Shaw with a wrestling hold say it never happened

•A supposed eyewitness to the alleged hold, who was cited in a sworn affidavit by Assistant Police Chief Theodore Forbes, says he didn't see the fight

•West Haven City Councilor David Riccio, present at the scene, did not give a statement to police until the *Advocate* learned he was there and contacted him last week asking for his story

•Police failed to provide crucial information to the state medical examiner that could have influenced his finding

The untold story starts on page 3.



Shaw (above) was affectionately called "an overgrown kid" by a friend.

THE NIGHT MARK SHAW DIED

INVESTIGATIVE
REPORT
First of a Series

By Robert LaRussa and David McKay Wilson

Billy Natale remembers the night Mark Shaw died. He recalls West Haven Police Detective Herbert Johnson Jr. pushing Shaw against an iron outdoor railing at the Casino nightclub and pressing his left forearm against Shaw's throat. "Johnson steadied himself with his right hand against the railing, pushed on Shaw's throat with his left and bent the kid way over the railing," says Natale. He claims Johnson bent Shaw so far back that he had to stand on his toes to do it. He says that Johnson lost his footing and that both men fell to the deck. "Johnson had him so far over that the kid bounced back like a spring."

Mark Shaw tried to get up, but Johnson beat him to it. "Herbie Johnson planted his left foot like he was gonna drop kick him," recalls Natale. And that's when the brawny, six-foot-four-inch West Haven resident decided enough was enough. "I ran over and gave Herbie Johnson a shove. He fell over again. I was trying to help the kid. I didn't want to see him get his face kicked in and I didn't want the cop to get in trouble."

Billy Natale also remembers when Johnson kicked Shaw in the face. It was several minutes later. Mark Shaw was lying on his side on the deck outside the Casino. He was handcuffed and facing the beach and the blackness of Long Island Sound. As Natale describes it, Johnson did not kick Shaw as though he were kicking a football. Rather, he walked over and "gave him a back kick that spun the kid's head around counter-clockwise." Johnson lifted his leg towards the

kicking Shaw in the face. Markle based that charge in part on the state deputy chief medical examiner's autopsy report that concluded Shaw died from a wrestling hold while resisting arrest, not from Johnson's alleged kick. But the director of the emergency room at Yale-New Haven Hospital, where Shaw was taken, isn't so sure that the hold killed him. Both of the civilians involved in the scuffle deny that such a hold was ever applied, and the other witness whose testimony the police relied upon has told the *Advocate* that he never even saw the incident.

The *Advocate* has found that the West Haven Police failed to provide authorities with important information concerning their own treatment of Shaw following the altercation. We have also learned that state and local investigators failed to interview crucial eye-witnesses. But as of last week, Markle's office had nothing more to say.

The *Advocate* contacted Johnson's attorney, Hugh Keefe, for comment on this story, but he declined. Johnson, 37, has been suspended from the police force.

Tragedy of a Regular Guy

Stripped of the intrigue and the burning questions, the story of Mark Shaw is the tragedy of a regular guy whose life was unnecessarily cut short. It isn't the story of fast-trackers or high-rollers, it's about a young man of 28 whom most people described as happy-go-lucky and whom one friend affectionately called "an overgrown kid."

The scenes that made up Mark Shaw's life were enacted in the parking lot of the Milford Jai Alai where he was a runner, a valet parking cars for patrons; in the sports bar, Bobby Valentine's, where news clips of Muhammad Ali hang alongside photographs of Yankee stars and where Mark Shaw would rush for a quick slice of pizza when things slowed down at the jai alai fronton across the street; in the bar Bobby G's in Orange, where they serve roast beef sandwiches an inch thick and where Mark Shaw had a favorite stool at the corner of the bar; in the suburban streets of Orange, where Mark lived with his parents.

The incident that led to his death took place at a club located at the base of historic Savin Rock in West Haven, where each night the monotonous beat of disco music enchants a crowd of ordinary people who drink, discuss, laugh, pick each other up, flirt in the dim light and often return the following weekend to do it again.

The players are the officers of the West Haven police, a department with a history of scandal and brutality; street-smart waitresses and broad-shouldered bouncers. Theirs is a blue-collar town whose mayor was recently featured on the cover of Jerry Falwell's *Moral Majority Report* for his stand against a pornographic bookstore.

One explanation of the events that led to the death of Mark Shaw can be found in the affidavit of West Haven Assistant Police Chief Theodore Forbes, who conducted an investigation into the Shaw incident. Forbes filed the document on December 28 in conjunction with an arrest application in the assault case against Herbert Johnson Jr.

The sworn affidavit states that Russell Leonardo, who worked at the Casino as a bouncer, asked Johnson, who was working in an extra-duty capacity there, to remove Shaw from the restaurant. "On the outside porch Mark Shaw punched Detective Johnson in the head causing Johnson to fall and break his glasses," Forbes reports. "Shaw was subdued by civilians and an off-duty police officer."

As for Shaw's broken neck, Forbes states that "The police officers and witnesses' statements indicate that at least two civilians placed Shaw in a submission hold by placing their arms under Shaw's, placing their hands on the side of his head and forcing Shaw's head downward toward his chest."

Forbes also describes the alleged kick and Shaw's subsequent death, noting that state Deputy Chief Medical Examiner Dr. H. Wayne Carver, II concluded that "The injuries suffered by Mr.

Shaw were consistent with the type of restraining hold placed on Shaw by the two civilians."

Happy-Go-Lucky Mood

But the clinical, lifeless prose of affidavits can often miss the point, no matter how legal-sounding the words. Mark Shaw crossed the paths of several people on Friday, Dec. 14. Not all of them buy the official explanation of his death.

His brother-in-law, Jim McDermott of Branford, says Shaw had dinner with his family that evening. He spent a good portion of the night with a friend, Pete Budd, also an Orange resident.

Another friend of his, Maryellen Verrelli, remembers talking with him earlier in the evening at the Casino. He had been drinking, she says, but at that time was not very drunk. And, he was in a good mood.

"He came there and left and then came back," she recalled, still shocked as she recounted the night's events more than a month later. "He wasn't real drunk, I've seen him drunker. When he does drink he's a happy-go-lucky person. He was always in a good mood."

"That afternoon he had done a lot of Christmas shopping. He bought all his relatives sweatshirts at Bobby Valentine's Sports Bar. He had a few cocktails there and watched TV. We were talking about going to a Christmas party the following evening in Woodbridge. We never went to it."

Shaw apparently left the Casino and then returned. The confrontation with the bouncer, the scuffle with Johnson and the still unresolved circumstances that led to his death took place as the Casino was closing, when the lights were turned up and Casino employees herded the stragglers toward the door.

Cops With Attitudes

At 5-foot 5, Russell Leonardo doesn't look much like a bouncer. Yet Leonardo says you don't have to be big to work the door at a bar, you just have to know how to talk to people. Leonardo had worked as foreman of bouncers at the Casino since November. While he had seen his share of trouble, he says he always was able to handle it. Leonardo says the bouncers at the Casino could give a few lessons in crisis intervention to the West Haven Police.

Leonardo was working the door the cold, rainy night Mark Shaw died. He had worked other nights when Herbert Johnson Jr. was there, and he didn't like Johnson's style. "Ever since Herbie Johnson began working at the Casino, he had this attitude—like he was looking for a fight. The week before, he arrested a man for breach of the peace. He punched that gentleman's windshield in the parking lot."

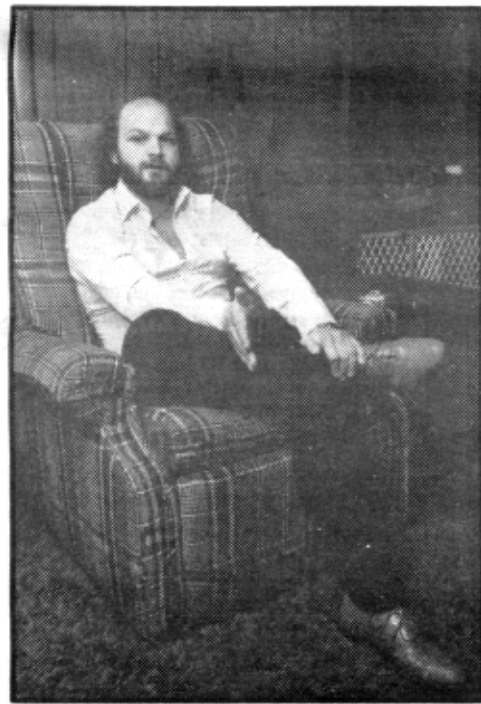
Leonardo said he called the police for assistance the night of the windshield incident, but he was surprised at their response. "They sent five squad cars," he said. "They came out like gangbusters, ready to do some ass kicking."

Federal court records show that Johnson has been involved in three brutality lawsuits, all of which were settled in 1983.

Leonardo's experiences at the Casino taught him how some West Haven officers have chips on their shoulders: "Of the police officers that have come in to the Casino when they're off-duty, I'd have to say that a small percentage have been decent. But a large percentage have had attitudes."

Leonardo remembers an intoxicated Mark Shaw slumped against a mirror near the entrance

See Eyewitness Page 6

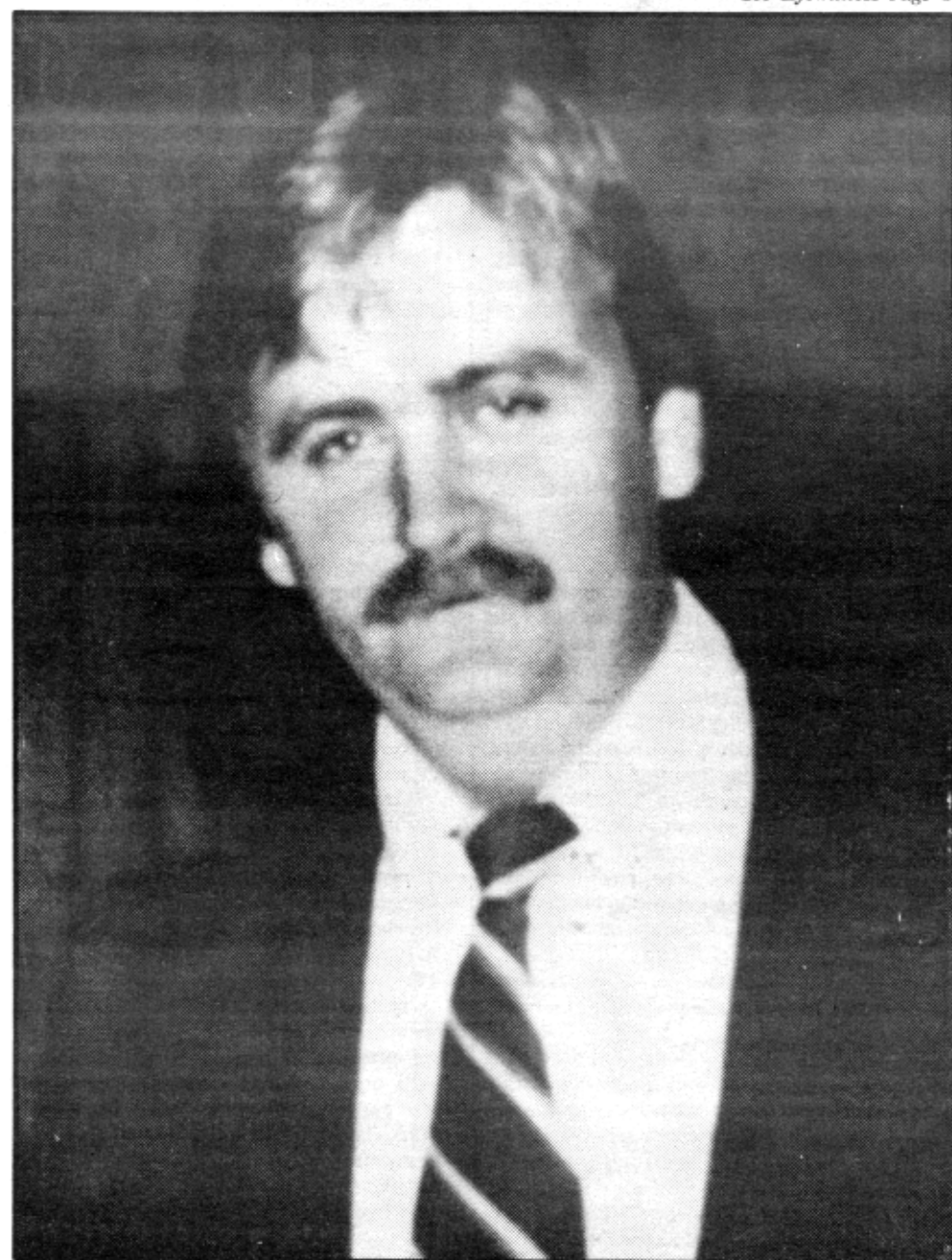


Former bouncer Russell Leonardo disputes police statements that he witnessed the Shaw-Johnson scuffle and the alleged half-nelson hold. (Bradbury photo)

Sound and then dropped his heel back into Shaw's face, said Natale. His body still on its side, Shaw's chin and face brushed the ground below him and his head turned until it couldn't go anymore, said Natale.

Natale did not know that Mark Shaw died until much later that day, Dec. 15, 1984. But he was surprised to read a few days later that State's Attorney Arnold Markle announced that Shaw died from a half-nelson wrestling hold. And he was shocked to learn that he was supposedly the person who applied it. Natale, whom the media reported was aiding Johnson at the time, was not charged. But he was disturbed by the reports nonetheless. In his first in-depth interview, Billy Natale told the *Advocate* there never was a half-nelson. He says he was saving Shaw from the kicks of Johnson, not aiding a police officer. And he says the whole investigation into the death of Mark Shaw "is nothing but a cover-up."

Billy Natale is not the only person who has questions about the investigation into the death of Mark Shaw. Last week Johnson pleaded innocent to second-degree assault for allegedly



Mark Shaw.

Eyewitness Denies Making Statement in Affidavit

(Continued from page 3)

of the Casino. Leonardo was at the door with Mike, the son of Casino owner Chick Celentano. "It was 2:40. We were closing and trying to get everyone out. I told Shaw he'd have to leave. He got very offensive verbally."

After about five minutes of arguing with Shaw, Leonardo noticed Johnson. Leonardo says the officer "was inside the building, where he wasn't supposed to be. His job was traffic control in the parking lot."

Leonardo asked Johnson for assistance, and Johnson then talked to Shaw. "In the meantime my center hallway was getting filled. I told Johnson 'You've got to move him.' They moved to the space between the two doors. At that time officer Johnson got abusive. He acted like an overly pushy cop."

Peter Bontempo, an off-duty West Haven police officer, had arrived at the Casino about an hour earlier. "He walked up to Herbie and said 'Is everything OK?'" says Leonardo. "Herbie gave him a half-shit nod, like he was motioning him to go outside. My observation showed that Officer Bontempo went out first, then Mark Shaw and then Johnson. Shaw was so drunk he staggered off the doors several times. In my opinion anybody who's that intoxicated could not strike and hit someone the way he allegedly hit Johnson. That was the last I saw of them."

Eyewitness Denies Making Statement in Affidavit

Pouring over Assistant Chief Forbes' affidavit last week, Leonardo referred to the parts that mention his testimony as "a bunch of bullshit. It states that I was an eyewitness. I was not. I never saw the altercation outside." And yet Leonardo is the one bystander whose name is mentioned in connection with the alleged wrestling hold. "I didn't see any submission hold," he said.

Leonardo was questioned by a detective the next day. He says the policeman did not tell him Shaw died until after he made his statement. Leonardo recently returned to the police station to get a copy of it. "They weren't going to give it to me until I said my lawyer and the Casino lawyers wanted it." The *Advocate* has obtained a copy of Leonardo's statement, and it mentions nothing about the fight.

Forbes, contacted for comment, said that since the Johnson criminal matter is still a pending case, he could not comment on it at this time.

Billy Natale witnessed the beginning of the altercation from another angle. Natale, who usually sports an expensive raccoon coat, was standing by the coatroom, a vantage point from which the two sets of doors are visible. The lights were on, the crowd was easing out and Natale was preparing to go home.

Natale saw Shaw argue with the doorman, but Natale insists that Shaw kept telling Leonardo that he wanted to get in to see his friend, Pete Budd. Natale said the whole thing could have ended right there. It didn't, and instead Leonardo thrust his arm out in front of Shaw and denied him entrance, telling Mark that the Casino was closed. Pete Budd was standing inside the bar, apparently unaware of his friend's predicament.

The doors are about 25 to 30 feet from the bar. Natale agrees that Shaw was drunk. He says he also saw Johnson standing off to the right side of the doors. Natale says, however, that Johnson told Pete Budd, whom Shaw was trying to summon, that he would have to leave, too. Johnson walked back to Shaw, putting his hand on Shaw's arm. Then Shaw made what turned out to be a series of fatal mistakes.

"Shaw said, 'Get your fucking hands off of me. Who do you think you are?'" said Natale, and that's when Johnson arrested Shaw.

Johnson began to push Shaw through the doors and Shaw again told the off-duty officer to take his hands off of him, remembers Natale.

And then things got out of control. According to Natale, Shaw flipped his arm away from Johnson's, accidentally knocking Johnson's glasses off. He says there was no punch, as stated by Johnson and in police reports. From there on in, says Natale, Johnson acted as though he were in a "streetfight."

Outside of the Casino entrance there is a landing that is built like a boardwalk. In one direction are the stairs down which West Haven police officers allegedly dragged a mortally injured Mark Shaw later that evening. In another direction is the short, scraggly beach. Separating the Casino walk from the sand and water is a metal railing about four feet high. It is on this simple railing that Herbie Johnson allegedly began his assault on Mark Shaw.

Coming To Shaw's Aid

Billy Natale thinks it's ironic that most accounts of the incident have him coming to the assistance of Johnson. He says that there is a lot he cannot understand about that evening and the investigation that followed it. He cannot understand how the authorities concluded that a wrestling hold he applied killed Shaw.

Natale says that after he pushed Johnson to stop him from kicking Shaw, he tried to calm Mark down. "I put my arms under Mark Shaw's underarms to hold him up. I didn't lock behind his head. There was no half-nelson. I had all of his weight hanging in my hands." As reported, civilian John Malinowsky then got involved in the fray. "He grabbed Shaw by the arms. He pushed me and him against the pole. He gritted his teeth like he was playing football. I said 'Let him go.' When I let Shaw go, he was still holding him." Natale says he did not see Malinowsky apply any wrestling hold, and in an earlier interview Malinowsky has stated he just grabbed Shaw and pulled him off.

Natale says several people, including two or three off-duty West Haven officers, watched the Johnson-Shaw scuffle. Detective Pete Bontempo handcuffed Shaw. "What the fuck are you doing?" Bontempo reportedly asked Johnson.



(Above) The Casino deck where the scuffle took place and the stairs down which the police allegedly dragged Shaw. (Right) Bartender Pete Smith was working at Bobby Valentine's the night Shaw died. Shaw had been there earlier that evening. (Bradbury photos)

"Why don't you put the handcuffs on him."

Natale says that he started to leave, with Shaw handcuffed and lying on the deck. Natale says he was shocked when Johnson kicked Shaw. "I said to myself, 'I don't believe this.' I got involved to stop the cop from doing this." Natale recalls a bystander told Johnson that such conduct was not called for. According to Natale, Johnson responded: "I happen to think it is." Natale says he gave a brief statement to the West Haven police the following day, saying nothing about a wrestling hold. That was the last he heard from any investigatory agency.

Officers Told Shaw Numb

Twenty-nine-year-old Joanne Alfano is an attractive woman with dark, thick hair and a serious, to-the-point manner. She lived in Florida and worked at the track at Daytona, and she says she could write a book about the rich and famous she met there. She worked at the Greenery in New Haven and she worked at a bar called Bobby G's in Orange. That's where she met Mark Shaw.

Alfano was working at the Casino the night Shaw died. Although she was an eyewitness to much of what happened, she was never interviewed by the police and she was never contacted by State's Attorney Markle's office. She saw the beginning of the incident and she basically corroborates what Natale said. She says, however, that Johnson "got real rough and started pushing Mark out head first. They're heavy doors and the two of them were flying through them. The door opened and the crowd filtered out."

Because she is small and because of the crowd and the rush of the moment, Alfano did not see the altercation outside. But she did see Mark Shaw on the Casino deck after he was allegedly kicked and she did hear his cries for help. She said he was in pain and yelling, "Please stop, no more."

"He kept saying 'My legs are numb,' but the police just said 'Stand up, God dammit, fucking stand up.'"

Alfano says she was standing five or six feet away from the police and Shaw, but says the police acted as though "they didn't even see me."

"I tried to get Mark's attention to see if he was conscious," she continued. "He wasn't. He was in a semi-conscious state of mind. He was just dangling from the [officers' arms]. His whole body was just like mush."

Alfano was also standing there when squad cars from the West Haven police arrived to assist Johnson. She says they overreacted to the situation. "I was standing there when the two squad cars came up. Two or three officers came out with their billy clubs in the air. They went flying up the stairs ready to go for it. I was thinking 'My God there's only one man up there and he's already restrained. Why not just take him in for breach of the peace.' I can't understand why they needed so many uniformed cops. He was already outdoors and already handcuffed."

Shaw Treated Like a Drunk

According to the autopsy report, Shaw's neck was already broken. Alfano heard Shaw say his legs were numb, but the West Haven police did



not treat him as if he had a broken neck. Shaw had been drinking heavily that night, his breath smelled of booze, and the police treated him like a drunk.

"Shaw said he couldn't walk," said Asst. Chief Forbes. "The officers related it to a case of intoxication. We handled him as if he were drunk. People who are drunk have trouble walking."

The autopsy, done by Deputy Chief Medical Examiner Dr. Carver, indicated that Shaw's neck was dislocated between the fifth and sixth cervical vertebrae, bones in the lower neck. The disc between the bones was dislocated, and the sixth vertebra was fractured along the left lateral spinous process. A subsequent study of the spinal cord itself revealed the cord had been damaged enough to cause Shaw to stop breathing later that morning, Carver said.

The autopsy also found that Shaw had a six-by-one-inch "abrasion" that extended from his eyebrow all the way over to his ear.

Dr. Ulrich Weil, medical director of emergency services at Yale-New Haven Hospital, where Shaw was taken, said it is "unusual but not impossible" for someone with such a cervical fracture to die. He said it is not easy to break someone's neck in a fight, though an intoxicated individual will put up less resistance. Regardless, treatment following the fracture can protect the fragile spinal cord from further injury.

"There are people who manage to get fracture

dislocations like that, who after being treated properly, function and have normal lives," Weil said. "The key is proper attention to the possibility of a broken neck. You can dislocate these bones and still not be paralyzed."

"If that happens in a car accident, our emergency medical technicians know they have to put the person on a backboard, and immobilize the neck with a collar. That's how a person in that condition should be transported. Anything that happens to a patient after a broken neck is asking for a total disaster, and that's exactly what happened."

The police didn't call for an ambulance; they handled Shaw like they handle drunks. And this particular drunk had just hassled a West Haven police officer. The police had plenty of support. The police dispatcher, receiving a call on the scuffle at 2:57 a.m., sent three cruisers, and at least two arrived two minutes later.

A Casino patron said he saw the West Haven police drag the limp Shaw down the stairs and put him "forcibly" in a police cruiser. The police dragged him about 60 feet, down 11 stairs.

"They came down the stairs, dragging him face down by the shoulders of his coat," the eyewitness said. "His head was hanging limp. They made a spectacle of him in front of the crowd. It was sort of humiliating. They definitely weren't carrying him. His feet were dragging, and he was face down. He definitely wasn't placed gently in the back of the police car, like you would do if you knew he was hurt. They forcibly put him in the car. Everyone was aghast at what was happening."

This witness was not interviewed by the police nor was City Councilor David Riccio, a West Haven Republican whom witnesses say was present at the scene when police carried Shaw to the cruiser. Riccio told the *Advocate* we were the first to ask him what he saw. He agreed to an interview at Dunkin' Donuts on Sawmill Road last week, but did not appear at the scheduled time and never called us back. By Friday, his attorney, former West Haven Corporation Counsel Vincent Falcone said Riccio had given police a statement that day. The police took Shaw back to the station, booked him on charges of breach of the peace and interfering with an officer, and locked him in a jail cell, again treating him as if he were drunk, not the victim of a broken neck.

"We never knew he had a neck injury," said Police Chief Michael D'Errico. "It wasn't until the autopsy that we found out that his neck had been broken."

Shaw's condition worsened in the lock-up. "He complained that his arms and legs hurt him," said Forbes. "So we called the ambulance."

Published reports indicate police called paramedics at 3:24 a.m. They arrived at headquarters almost instantly. Twelve minutes later, at 3:38 a.m., the paramedics called for an ambulance. It arrived at 3:40 a.m. and the paramedical team from Connecticut Ambulance Co. treated Shaw for an apparent heart attack. The police did not tell the paramedics of the previous trauma, Forbes said. They worked on Shaw for 22 minutes but couldn't resuscitate him, so they took him to Yale-New Haven Hospital. There he was treated by the medical team. Still no word of any trauma.

"He was dead when he came in," said Dr. Weil. "No pulse, no respiration, no blood pressure. The patient came on a Code 100 — cardiac arrest. We did not know what happened. All we know is that he was found unconscious in the cell. He had been arrested, and brought in as a cardiac arrest."

Later that day, Dec. 15, West Haven police began their investigation of the incident. Detective Sgt. James Harris headed up the inquiry. Court insiders say Harris and Markle have a close relationship, dating back to the troubles of former Police Chief Joseph Figaro.

Markle decided not to carry out an independent investigation into Shaw's death. He let the West Haven police investigate themselves. Harris and his men determined which witnesses would be questioned. They did all the interviews, said Assistant Chief Forbes. The West Haven police interviews provided Dr. Carver, the state pathologist, with information by which he reached his conclusion that Shaw died from the alleged "submission hold."

Dr. Carver concluded that Shaw died from a fractured neck that occurred while resisting arrest. In an interview, he said the injury was consistent with the "submission hold" described to him by the police.

Newspaper reports quote Markle calling the hold a "half-nelson." A wrestler puts a half-nelson on an opponent by slipping one arm under one of theirs, and back up around their neck, which is forced down. A full nelson is illegal and

can break neck bones; that's when the wrestler puts both arms under both of the opponent's arms and up around to the back of his neck.

A half-nelson is a legal hold. Dr. Fred Mueller of the University of North Carolina, who keeps track of catastrophic injuries for the National Collegiate Athletic Association, said there has never been a broken neck reported from such a hold.

On the affidavit for Shaw's arrest, Asst. Chief Forbes describes neither a half-nelson nor a full-nelson. It seems like more of a "double" nelson. It seems to say that the civilians — later identified as Natale and John Malinowsky of Ansonia — both put their arms under Shaw's, both put their hands on the side of his head, and forced it down towards his chest. From the back, this hold couldn't have worked because the second man couldn't reach the neck.

Carver said the hold, as described to him by the police, "had a twisting component. But a half-

Detectives Bontempo and Gary Hunt, and "witnesses' statements, including those of Russell Leonardo and William Natale."

The police officers would not comment. But Natale said he did not give a statement that could lead to this conclusion. Leonardo said he never saw the fight out on the porch.

Pathologist Willing To Examine New Evidence

The West Haven police told Carver their side of the story. Carver said he heard about the fight, the supposed "submission hold," and Johnson's alleged kick. He read the paramedics' report, which covered Shaw's condition from the jail to the hospital. But he knew nothing of how the police treated Shaw following the broken neck — that crucial 20 minutes from the Casino porch, down the stairs, to the station, into the lock-up.



nelson doesn't come close to describing it."

Natale denies placing Shaw in a hold. He said he helped calm Shaw down, and picked him up under the arms, but didn't put his hands in back of Shaw's neck and press down. Malinowsky, in a newspaper interview, said he did not realize he had any help in restraining Shaw. He doesn't remember seeing the 6-foot-4 Natale. Malinowsky, no powerhouse at 5-foot-11 and 160 pounds, told the *Journal-Courier* that he had no wrestling hold or grip on Shaw.

"Shaw was on [Johnson,] against the rail, and I pulled the guy off the cop and said 'Here he is, put the cuffs on,' and then I took off," Malinowsky said.

The police learned of the "submission hold" from statements given by West Haven Police

Nothing about how the West Haven police assumed Shaw was drunk and treated him likewise. Nothing about allegedly dragging him down the stairs or pushing him into the police car.

"That is no way to treat somebody with a broken neck, no doubt about it," said Dr. Weil, of Yale-New Haven Hospital.

Dr. Carver, who was appointed deputy chief medical examiner in 1983, said he could only base his conclusion on information from the West Haven police and Markle's office. The *Advocate* asked Dr. Carver if Shaw's handling by the police following the fight could have led to the fatal spinal cord damage.

He replied "It is a very interesting question I made my determination based on a description of the altercation given by the police and the

state's attorney's office. If word comes from the state's attorney, we'll start all over and there is no doubt that we would look at any new evidence with a neutral eye towards a just decision. If he wants me to do that, I'll do it. But the question hasn't arisen."

Epilogue

The vast lot where Mark Shaw parked cars is empty now; the sport of jai alai has moved from Milford until May 1. But those who worked with Shaw and those who saw him almost nightly at Bobby Valentine's across the street will not soon forget his death. "A lot of us knew him for a lot of years," said a woman who worked with Mark. "He was just a great big wonderful guy, a big overgrown baby." She says she had recently talked with Mark about his future and feels he was trying to grow up. He had just been hired to a full-time job, a position that would last until jai alai re-opened. He had told her he was looking for a girlfriend and wanted to settle down. He was planning his future, she said.

A woman who works behind the bar at Bobby Valentine's says everyone there is still "in shock." She tells how Mark lost a dear friend in a car accident a year earlier, a woman who worked with him at Milford Jai Alai. She says the loss had a lasting impact and that Mark still talked about the tragedy.

The tremendous loss to Shaw's family—his parents, his married sister, his younger brother—needs no further discussion. His brother-in-law Jim McDermott says it was a rough Christmas for everybody.

For others the death of Mark Shaw has had a different kind of impact.

Joanne Alfano, who describes Mark Shaw as a "hard-luck" kid who nevertheless wasn't a quitter, remains bitter about his death.

She says the police overreacted and suggests that "if [the incident] would've happened inside the Casino that kid would still be alive." She laughs bitterly as she notes that "our security people aren't trained to kill."

For the outspoken Alfano there is more than the grief to remind her of Mark Shaw's death. She says she has been threatened by an anonymous caller who warned her to keep her mouth shut. "I know who you are and I know where your car is," she was told. "I'll do your car in just like I'll do you in if you don't keep

your mouth shut." Alfano has moved since the incident.

Billy Natale has been the victim of a more overt act. The stories about Natale's supposed role in Shaw's death appeared several times in the Jackson newspapers, and so did his address. Natale says he called the newspaper to complain, stating, "You put my name and address in the newspaper. Why didn't you just print my phone number."

Natale may have suffered from such notoriety. He says he has received several threatening phone calls and has been personally threatened as well. Someone also carved the word "killer" into the vinyl top of his car, threw a rock through the back window and shot through the windshield with a pellet gun. Natale has also received letters from local citizens condemning his role in Shaw's death.

Natale, a tall, dark man who wears gold chains around his neck, says his health has suffered since the incident. He says he lost about 30 pounds in the first few weeks after the published reports.

Bouncer Russell Leonardo says he lost his job five days after Shaw died. He says he was given no reason for the firing, but attributes it to his role in the Shaw incident. The man who fired Leonardo says the doorman just wasn't right for the job. Leonardo is currently looking for work. He says he has suffered an ulcer since the incident and is "totally disgusted."

The morning of the fight at the Casino, after Mark Shaw was taken to the police station, Alfano drove Pete Budd home. Budd had tried to climb into the police car with Shaw, said Alfano. "The West Haven Police said 'Get out or you're going too,'" she recalls.

"Pete said 'I hope my buddy's OK.' I said 'Don't worry, they probably arrested him for breach of the peace.' He said 'Yeah.' I dropped him off. I didn't see Pete after that."

Several of Budd's friends have confirmed that he was so distraught after the incident that he sought medical care and temporarily left the state.

Michael Siwek, the chairman of the West Haven City Council, confided that morale within the West Haven Police Department has suffered since the publicity surrounding Shaw's death.

This is the first in a series of articles about the West Haven police. Advocate writer Mickey Mercier helped research "How Did Mark Shaw Die?"

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Date: February 23, 24, 25 Time: 8:00 to 10:00 p.m.
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NEW HAVEN THIS WEEK

In the Interest Of Science

"I won first prize for my nuclear-war simulator in the science fair at UConn last year," said Scott Keith as he tinkered with an elaborate setup that included two IBM computers and a 10 megabyte hard disc. Like 600 other entrants, the sophomore from Greenwich High School came to the 1985 Connecticut Science Fair at Quinnipiac College last week to show off his technological expertise and compete for an all-expense paid trip to the International Science Fair in Louisiana this spring.

Keith's project, "PAL 7000," was an "artificial intelligence" computer program that can solve simple business problems. "It applies information it already has to new things," explained the young programmer as he used the computer to analyze a set of transactions involving apples, oranges and bananas. "The movie 2001 inspired me. This program has 3,600 lines. It took me four months to write the code [in PASCAL] and another year to plan it. "I'm coming out with a more sophisticated version, the PAL 8000, next year."

Keith, who plans to study artificial intelligence at MIT, added, "This year's science fair is better than last year. There are more experiments and more competition."

The large gym at Quinnipiac College was packed with exhibits, those familiar cardboard-backed, stencil-lettered science projects in various degrees of sophistication. A hot-air balloon constructed from tissue paper and tin-cans was flanked by a styrofoam space-station and an artificial heart that appeared to be constructed from two doorbells, plastic tubing, tinfoil and gauze. Some projects showed a spirit of adventure, such as the deadly looking laser cannon and the homemade hovercraft, a James Bond-style vehicle that rides on a cushion of air. This apparatus consisted of a four-foot plywood disc with a bucket seat, powered by a General Electric vacuum-cleaner motor modified to burn dry ice.

Some projects, on the other hand, were more mundane—Saturn and its Rings; Optical Illusions, various solar energy rigs and a hamster maze ("Conclusion: Some hamsters



Science Fair finalist Nicole Chang. (Bradbury photos)

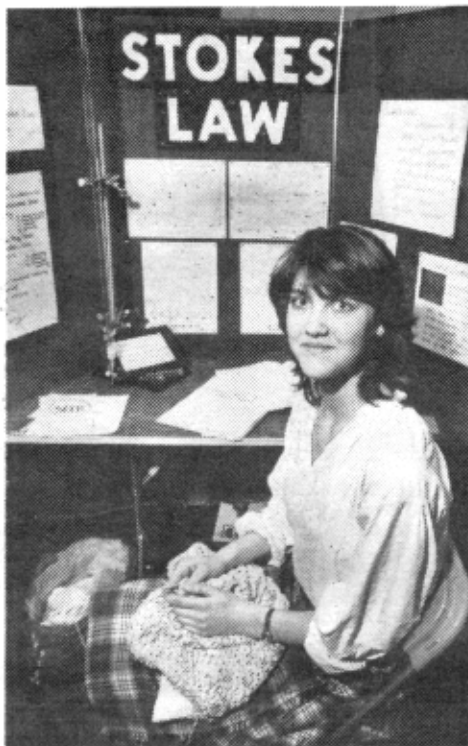
are smarter than others").

Still other experiments reflected the interests of another segment of today's high-school students: The Hairy Ordeal: Not All Shampoos Are Good for Your Hair; and The Effectiveness of Sun Screens. This latter experiment employed Petri dishes full of Copertone, Sea & Ski and Bain De Soleil. There was a homemade electric guitar built by a kid sporting a wispy mustache and an AC-DC T-shirt. ("Method: I went down to the lumberyard and bought a piece of wood.") Other topics included drug abuse, alcoholism and junk food.

"I'm in awe," said Jennifer Barrett, a sophomore at Luralton Hall in Milford, who won first honors for her investigation into the effects of copper on oysters. This experiment involved an electron microscope and eight pans of oysters in water laced with varying levels of copper, as found in Long Island Sound. "It was very exact and routine. You have to look for little things," she said. "Oysters have to be sent to treatment centers where the copper is removed before you eat them. Otherwise you might get PSP—paralytic shellfish poisoning. I don't like oysters anyway. I want to be a veterinarian." Speaking of animals, Gravity: The Effect of G Forces on Rattus Norvegicus, was

demonstrated through the unenviable but inevitable rat in a centrifuge.

Vegetables, as well, were prevalent at the science fair. In one exhibit entitled Lemon Power, two lemons were wired to a meter improvised from a boy-scout compass, wire and



Finalist Julie Pfeiffer.

wood. The Potato-Powered Clock, consisting of two spuds and a disemboweled digital watch, appeared in the same category.

Quite a number of the efforts exhibited a 1980s high-tech entrepreneurial spirit. Scott Keith's artificial-intelligence program fell into this category, as did some of the other computer projects such as Sun Angle Solar Modeling and Fiber Optic Telecommunications. Then, too, there was My Robotic Arm, an impressive assemblage of model-airplane servo motors, pulleys, balsa wood, rubber bands and coat hangers.

"It's fun," said John Day, a freshman from Stonington High. His project was an evaluation of the insulating properties of a half dozen types of windows. "A single pane of glass with plastic taped over it worked the best; it

worked even better than Thermopane glass," he said. This is a method that college students and other low-income groups have been experimenting with for years. "You won't get any prizes from Thermopane," observed a bystander.

Lou Primini, a teacher at Great Plain Elementary in Danbury, was on a scouting expedition. "I'm going to bring my kids down here for a field trip. This is incredible, impressive. It never fails to amaze me what kids can do without a lot of input from other people," he said.

"I had a kid with an incredible attendance problem. Then he got interested in a science fair and went nuts. He was a finalist. That's what it's all about. People who put down education should see this."

While science fairs can offer students the experience of success through innovation, there is also the agony of defeat. One desolate-



Finalist Jayme Dietzer.

looking exhibit resembled a pile of misshapen and blackened ping-pong balls. The sign read: "Conclusion: Unfortunately, curing latex foam rubber in a microwave oven deteriorates the foam cells. Latex foam rubber cannot be cured in a microwave oven."

Mickey Mercier

Grand Jury To Investigate Shaw Case

The investigation into the death of Mark Shaw takes a dramatic turn this week as West Haven police officers and eyewitnesses come before a one-man grand jury in New Haven. Superior Court Judge William Hadden, Jr. will hear testimony on the events that led to Shaw's death.

State's Attorney Arnold Markle requested the grand jury on March 5, just two weeks after the *Advocate* published its report on Shaw's death. New Haven Judicial District Presiding Judge Frank Kinney approved the request on March 11.

The *Advocate* found several inconsistencies in the West Haven Police Department's investigation of its own officers that night. The articles brought calls for a renewed inquiry

New Haven defense lawyers surveyed by the *Advocate* say this is only the fourth grand jury called in New Haven during Markle's 16-year tenure as state's attorney.

from the Shaw family, West Haven political leaders and medical authorities in New Haven. They maintained questions still remained unanswered in the official explanation of Shaw's death.

The 28-year-old Orange resident died on Dec. 15 in a West Haven police cell. Deputy State Medical Examiner Dr. H. Wayne Carver called it a homicide, yet no one has yet been accused of that crime. Authorities, including Markle, have maintained that Shaw died from a broken neck he received when two civilians tried to break up a scuffle between Shaw and West Haven Police Detective Herbert Johnson Jr. at the Casino nightclub.

Both civilians, however, have denied applying the so-called "submission hold," and the West Haven police description of the hold in an affidavit makes it sound logistically impossible.

Johnson was charged with second-degree assault for his part in the altercation. According to police affidavits, Johnson kicked Shaw in the head while he was handcuffed outside the popular West Haven night spot. West Haven Police Chief Michael D'Errico said that after the kick officers treated Shaw, whose neck apparently was already broken, "like a drunk" as they carried him to the police cruiser, put him in and brought him back to jail cell.

Dr. Carver said he was not told of Shaw's treatment following the alleged kick. Dr. Ulrich Weil, director of emergency services at Yale-New Haven Hospital, said Shaw's treatment during this period could have contributed to the injury to Shaw's spinal cord.

Markle's grand jury request represents a dramatic turnaround in the Shaw case. Until now, he had supported the West Haven Police investigation of the incident, allowing detectives to investigate the Casino crime. Markle

even appeared side-by-side with Chief Michael D'Errico at a January press conference (to which many in the New Haven media, including the *Advocate*, were not invited) to announce that the civilians would not be charged.

But two months later, Markle called for the grand jury, to determine if charges of manslaughter or first-degree assault should be filed in the Shaw case. New Haven defense lawyers surveyed by the *Advocate* say this is only the fourth grand jury called in New Haven during Markle's 16-year tenure as state's attorney here.

Markle's move has brought rebuke from Johnson's lawyer, Hugh Keefe, and commendations from others concerned with the case. Keefe maintains that the grand jury investigation is too extraordinary a procedure for this case. The one-man grand jury can subpoena witnesses, who then appear before him. Either Markle or Judge Hadden can question them. Keefe believes a more thorough police inquiry could determine whether further crimes were committed.

"It's a completely inappropriate vehicle," said Keefe. "Look, this fellow dies tragical-

The Register's Sour Grapes

State's Attorney Arnold Markle announced in January that he expected no further arrests in the death of Mark Shaw. Then the *Advocate* ran its in-depth look at the investigation into Shaw's death, and two weeks later, Markle requested a grand jury be called.

If you only read the Jackson Newspapers—the *New Haven Register* and the *Journal-Courier*—you'd never know the role the *Advocate* played in the Shaw case. We've yet to be mentioned. Even in its report of the grand jury's appointment, the Jackson Newspapers could only cite its own article on internal affairs investigations at the West

Haven Police Department, a story that was tangential to the Shaw investigation. It made the front of the *Journal-Courier* but was relegated to page 37 in the *Register*.

The Jackson Newspapers have so neglected the *Advocate's* coverage that they even decided that it wasn't newsworthy when West Haven political leaders announced in the *Advocate* that an independent investigation was warranted here. It may be sour grapes or it may be neglect, but the editors of the city's daily newspapers apparently print only the news that suits them.

Editor Don Sharpe wouldn't comment on the coverage. Neither would Dennis Twigg, the paper's West Haven reporter who has been covering the Shaw incident.

David McKay Wilson

ly on December 15, and two weeks later, presumably an investigation is done by Arnold Markle and his inspectors with the West Haven Police Department. The deputy chief [Theodore Forbes] signs the arrest warrant. Then Markle holds a press conference and says Shaw's injuries were caused by the holds put on by the civilians. Who is left to investigate except the people who did the investigation?"

The Shaw family's attorney has welcomed the new probe.

"It's good news," said William Dow III. "I'm encouraged that there will be an accurate investigation into exactly how Mark Shaw lost his life."

William Donegan, a West Haven Democratic mayoral hopeful, was the first to call for a grand jury. Donegan, who is recovering from a minor stroke, applauded Markle's move.

"Let's hope this gets the albatross of this case off our necks," said Donegan, who was not paralyzed and will continue his campaign. "I think the only way it can be cleared up is to have it heard before an impartial individual. It took the *Advocate* to bring this out, and we're glad you did it."

While Donegan looks to the well-respected Judge Hadden for his impartial judgment, others wonder if Markle is the right man to call and question witnesses. His office has been involved in the investigation up until now, which many say has been lacking. Keefe has already filed a motion in Johnson's assault proceedings to remove Markle's office from the case. He maintains that Markle and Johnson know each other too well. Johnson has worked as a detective on cases prosecuted by Markle's office.

Keefe cites two other well-publicized cases involving police officials—Hamden Police Chief John Ambrogio and West Haven officer Steve Casman—in which prosecutors from other judicial districts were called in.

"Anytime a local prosecutor has to investigate a cop or a police department he deals with and will deal with in the future, it seems that it ought to be done by someone else,"

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This Week

(Continued from page 4)

said Keefe. "The law indicates that there should not be an appearance of impropriety."

John Watson, chairman of the New Haven Civil Liberties Union, said that the criminal justice system here "does not provide an independent inquiry called for in this situation."

He said both the national and local chapter of the American Civil Liberties Union support civilian review boards that look into allegations of police misconduct.

"It's just impossible for the appearance of a fair and open inquiry if police departments investigate their own officers," he said. "This West Haven department illustrates the need for civilian review. We don't know what happened. We don't think any kind of police in-

Attorney Keefe asked Judge Hadden to move the case out of New Haven. He feels that Johnson cannot receive a fair trial here.

vestigation can answer those questions."

He said that even the grand jury is tainted by the prosecutor's involvement. "It's too dependent on the police investigatory resources. I feel it should be done by an independent agency."

Judge Hadden will hear Keefe's motion to recuse Markle this Wednesday in Superior Court. In addition, Keefe has asked Hadden to move the case out of New Haven because he feels Johnson cannot receive a fair trial due to the publicity surrounding Shaw's death.

In court motions, Keefe has also indicated he intends to introduce expert testimony from Dr. C. Scott Grove, a psychiatrist, and Dr. Robert Ralph McDonnell, pertaining to Johnson's state of mind that morning. The state must prove that Johnson intended to harm Shaw in the assault. The state has also ordered Johnson to undergo a psychiatric examination.

David McKay Wilson

All Keyed Up for Probate Race

The race for the Democratic Party's probate judge nomination had Jack Keyes all pumped up. New Haven's city/town clerk was practicing his speeches in front of the mirror at home. He was putting together a campaign organization to fight the challenge of six-term Alderman Ed Zelinsky, a expert in estate law. Keyes, who'd never had to raise much money for himself in his political career, had a political spread at September's restaurant and brought in \$10,000.

He was making calls to ward committee members around town to keep his supporters away from the Zelinsky camp. He also had "name recognition." He'd been on the DiLieto ticket twice, and he wants to replace Thomas Keyes, the well-respected probate judge who will retire at age 70 this fall. That's his dad.

Jack Keyes was ready for a good political scrap. But last week, Ed Zelinsky looked at the odds and gave up. And instead of congratulations, Keyes received calls from several supporters who wanted their contributions back. Keyes said the money would be needed for this fall's campaign against a yet-unnamed Republican candidate.

Zelinsky finally realized that he'd be unable to win 20 percent of the delegates for the party convention to press a primary later this summer. He was unwilling to challenge the Keyes delegate slate that appeared certain to sweep past Zelinsky at the convention. Zelinsky has told his contributors, who had given about \$4,500, that he will return their money.

When Zelinsky decided to test the probate judge waters, he indicated that he would not run for the Board of Aldermen again. But now, Zelinsky says his political future is unclear. This year's probate judge race will be held to fill the vacancy of Keyes' father. Another race will be held next fall as the four-year term is complete. Zelinsky did not rule out another try then.

"I'm not including or excluding anything," Zelinsky said. "Now that's not a Nixonian statement about not being kicked around anymore, because I rather believe I'll be available for such treatment. Right now, I'm not including or excluding any options."

With Zelinsky out of the race, Keyes still has probate battles to fight this spring. The New Haven Probate Court covers both the city

of New Haven and the town of Woodbridge, an affluent suburb of 8,000 that borders the city to the northwest. For many years, Woodbridge political leaders have attempted to give the town its own probate court. Forty-two other towns with populations less than Woodbridge's have their own probate courts. There's been one major problem: Woodbridge is solidly Republican, New Haven is just as Democratic, and until 1985, so has been the state legislature.

This year both chambers are Republican,

Jack Keyes was ready for a good political scrap. But last week, Ed Zelinsky looked at the odds and gave up. And instead of congratulations, Keyes received calls from several supporters who wanted their contributions back. Keyes said the money would be needed for this fall's campaign against a yet-unnamed Republican candidate.

and Woodbridge GOP legislators Peter Lerner and John Consoli have co-sponsored legislation to split the district. The bill was heard before the Judiciary Committee, but the panel has yet to vote on it. Judge Tom Keyes spoke against the measure, and Woodbridge lawyer Fred Moss spoke for it.

"I think it's the best possible way to serve the town of Woodbridge," said Moss. "This is no reflection on the work of Judge Keyes, who continues to be respected by everyone I know. I like Jack too. But two of our sister

towns, Orange and Bethany, have their own personal courts. The idea of having our own court has overwhelming support among our townspeople. They would enjoy the convenience of an office and court close to home. Parking presents a serious problem in downtown New Haven."

Jack Keyes doesn't want the district split, and he's been calling legislators in Hartford to lobby against the bill. Taking Woodbridge out of his district would cut into the salary: judges are paid a percentage fee on estates, and can earn up to \$42,000 a year. The probate judges also do adoptions and handle commitments to mental hospitals, as well as guardianships for those unable to care for themselves. The judge is paid \$50 for these cases, but in many cases, the fees are waived.

"New Haven does an incredible number of commitments and guardianships, and on that level, the Woodbridge work sustains the court that does all those other things," said Keyes.

In addition, Keyes believes the court can be run more efficiently if it is centralized in New Haven. He has offered to set up office hours in Woodbridge for residents there. But he doesn't perceive a ground swell of opposition to the New Haven court among Woodbridge residents. He only hears complaints from lawyers who want to run for probate judge there.

Moss, former Board of Education chairman and town meeting moderator, acknowledges that he wouldn't mind stumping for the job if the Woodbridge Republican party gives him the nod. But he maintains that his desire to split the district goes beyond his own personal ambitions.

"The Republican Town Committee has endorsed the idea several times already," he said. "Even if the committee chose someone else, I'd still be enthusiastic, and working for it."

Observers say the bill has a better chance than ever this year, with both chambers controlled by the GOP. However, it will still need Gov. William O'Neill's signature. And here is where Keyes' strength within the New Haven Democratic Party will be tested. The governor and Mayor DiLieto have been on good terms over the years. Will this be the one the governor owes Ben and his men in New Haven?

David McKay Wilson

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